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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,421	07/09/2001	Michael Barclay	2000.053700/TT4043	7362

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EXAMINER

MOORTHY, ARAVIND K

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/901,421

Applicant(s)

BARCLAY ET AL.

Examiner

Aravind K. Moorthy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to the amendment filed on 13 December 2005.
2. Claims 1-25 are pending in the application.
3. Claims 1-25 have been rejected.

Response to Arguments

4. Applicant's arguments filed 13 December 2005 have been fully considered but they are not persuasive.

On pages 3 and 4, the applicant argues that Asaoka does not describe or suggest disabling a transmitter in the vehicle radio telephone.

The examiner respectfully disagrees. The transmitter is disconnected and is not able to communicate with the base station. None of the secondary references were used to teach that limitation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-8, 10-16 and 18-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Asaoka et al U.S. Patent No. 5,878,340.**

As to claims 1 and 18, Asaoka et al discloses a method for authorizing a user terminal to communicate with a base station in a communication system, the user terminal including a transmitter for transmitting information to the base station, the method comprising:

determining if an authorization signal has been received at the user terminal within a specified period of time, the authorization signal authorizing the user terminal to communicate with the base station [column 9, lines 21-50]; and

disabling the transmitter of the user terminal providing that the authorization signal has not been received within the specified period of time [column 9, lines 51-64].

As to claims 2, 10 and 19, Asaoka et al discloses the method further comprising:

re-enabling the transmitter of the user terminal upon receipt of the authorization signal [column 8, lines 44-55].

As to claims 3, 11 and 20, Asaoka et al discloses that determining if an authorization signal has been received at the user terminal within a specified period of time further comprises:

starting a timer to count for the specified period of time [column 9 line 65 to column 10 line 22].

determining if the authorization signal has been received at the user terminal prior to the timer expiring at the specified period of time [column 9 line 65 to column 10 line 22].

As to claims 4, 12 and 21, Asaoka et al discloses the method further comprising:

receiving the authorization signal at the user terminal;

restarting the timer to count for the specified period of time [column 9, lines 39-40]; and

permitting the user terminal to transmit information via the transmitter to the base station upon receipt of the authorization signal [column 11, lines 24-40].

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As to claims 5, 13 and 22, Asaoka et al discloses that permitting the user terminal to transmit information further comprises:

permitting the user terminal to transmit information via the transmitter to the base station upon receipt of the authorization signal until expiration of the specified period of time and non-receipt of a second authorization signal [column 11, lines 24-40].

As to claims 6, 14 and 23, Asaoka et al discloses that determining if the authorization signal has been received at the user terminal prior to the timer expiring at the specified period of time, further comprises:

providing a signal to disable the transmitter of the user terminal providing that the specified period of time on the timer has expired [column 11 line 57 to column 12 line 9]; and

disabling the transmitter of the user terminal [column 11 line 57 to column 12 line 9].

As to claims 7, 15 and 24, Asaoka et al discloses that determining if the authorization signal has been received at the user terminal prior to the timer expiring at the specified period of time, further comprises:

permitting the transmission of information from the transmitter of the user terminal to the base station providing it is determined that a second authorization signal has not been received and the specified period of time on the timer has not expired [column 11, lines 24-40].

As to claim 8, Asaoka et al discloses a device for communicating with a base station of a communication system, the device comprising:

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a signal detector that determines if an authorization signal has been received from the base station within a specified period of time, the authorization signal authorizing the device to communicate with the base station [column 9, lines 21-50];

a transmitter that transmits information to the base station [column 4, lines 54-64]; and

a controller that disables the transmitter of the device providing that the authorization signal has not been received within the specified period of time [column 9, lines 21-50].

As to claim 16, Asaoka et al discloses that the device and the base station communicate with each other over a radio communication channel [column 4, lines 5464].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asaoka et al U.S. Patent No. 5,878,340 as applied to claims 8 and 18 above, and further in view of Lambert U.S. Patent No. 5,642,380.

As to claim 9, Asaoka et al teaches means for determining and disabling, as discussed above

Asaoka et al does not teach that the device comprises a modem having a software component with software running thereon and a hardware component that includes the signal detector, transmitter, controller and means for determining and the means for disabling.

Lambert teaches a modem having a software component with software running thereon and a hardware component that includes the signal detector, transmitter, and controller [column 6, lines 8-26].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Asaoka et al so that the radio telephones would have included a modem that would have had a software component with software running thereon and a hardware component that includes the signal detector, transmitter, controller and means for determining and the means for disabling.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Asaoka et al by the teaching of Lambert because This is an advantage when a channel is to be shared with signals intended for human listening [column 6, lines 8-26].

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Asaoka et al U.S. Patent No. 5,878,340 as applied to claim 8 above, and further in view of Newton's Telecom Dictionary (hereinafter Newton).

As to claim 17, Asaoka et al does not teach that the device and the base station communicate with each other in accordance with a Global system for Mobile Communications (GSM) protocol.

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Newton teaches the Global system for Mobile Communications (GSM) protocol and its benefits [page 350].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Asaoka et al so that the radio telephones would have communicated with the base station/control station using the Global system for Mobile Communications (GSM) protocol.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Asaoka et al by the teaching of Newton because GSM ensures interoperability between countries, these ETSI standards address much of the network wireless infrastructure, including the radio interface (900 MHz), switching, signaling and intelligent network [page 350].

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy 
April 26, 2005


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
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